GOVERNMENT OF ANDHRAPRADESH
ABSTRACT

Public Services – Panchayat Raj & Rural Development - Sri K. Venkat Rao, Assistant Panchayat Secretary, Kotcherla Village, Ranasthalam Mandal, Srikakulam District – Trapped by the ACB on 17.10.2005 – Prosecution Issued - Acquitted by the Trial Court – Criminal Appeal filed – Abated – To regularise suspension period from 17-10-2005 to 11-03-2008 as "NOT DUTY" as per Rule FR 54 (A) – Orders – Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (VIG.III)DEPARTMENT

G.O.RT.No. 263 **Dated: 15-04-2025**

Read the following:

1. From the DG, ACB, Hyderabad, Rc. No. 193/RCT VSK/2005, Dt.23.03.2006.
2. Progs. No.3449/2005/B, dt.12.05.2007 of the District Collector (Pt.Wing), Srikakulam.
3. Progs.Rc.No.3449/2005/E, Dt.04.11.2005 of the District Collector, (PW) Srikakulam.
4. Govt. Memo.No. 16613/Vig.IV.A1/2005-1, Dated:21.11.2005.
5. Govt. Memo.No. 16613/Vig.IV.A1/2005-3, Dated:02.02.2008.
6. Proceedings RC. No.3449/2005/E, dated:18-02-2008 of the District Collector (Pt. wing), Srikakulam.
7. Judgment of Spl. Judge for trial of ACB cases, Visakhapatnam Dt.19.03.2012 in CC No.26/2007.
8. From the DG, ACB, Hyderabad, Lr. No. 193/RCT VSK/2005, dt.05.05.2012.
9. Govt. Memo.No:16613/Vig.IV.A1/2005-4, dated:31.05.2012.
10. From DG, ACB, Hyderabad, Lr.No.193/RCT-VSK/2005-S.12, dated:27.09.2022.
11. G.O.Rt.No.628, PR&RD(Vig.III) Dept., dt.17.10.2023
12. Representation of Smt. Karakavalasa Hymavathi, W/o.Late Karakavalasa Venkatarao, Srikakulam Dist., Dt.10.11.2023.
13. Govt. Memo. No PRR01-PR0PVIG(ACB)/9/2022-VIG-III, dt.02.12.2023.
14. From the Director, Panchayat Raj, A.P., Letter No. 2249971/CPR&RD/VIGACB/2023, Dated:24-02-2025.
15. G.O.MS.No.2, Finance (FR.II) Dept., dt.04.01.2006.
16. G.O.Ms.No.30, Finance (FR.II) Dept., dt.15.02.2007.
17. Circular Memo.No.32419/838/Fr.II/2003, Finance (FR.II) Dept., dt.19.06.2004.

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ORDER:-

Based on the report of Director General, Anti Corruption Bureau, in the reference 1st read above, the District Collector (Pt. Wing), Srikakulam have issued prosecution sanction order of Sri Karakavalasa Venkat Rao, Assistant

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Panchayat Secretary, Kotcherla Village, Ranasthalam Mandal, Srikakulam District (Now retired and expired), who was trapped by the Anti Corruption Bureau officials and arrested on 17-10-2005, as required under section 7 and Sub Section (2) of Section 13 r/w Clause (d) of Sub Section (1) Section 13 (2) of the Prevention of Corruption Act, 1988 in the Court of Law in the reference 2nd read above.

2. In the reference 3rd read above, the District Collector, (PW) Srikakulam had issued orders placing Sri Karakavalasa Venkat Rao, Assistant Panchayat Secretary, Kotcherla Village, Ranasthalam Mandal, Srikakulam District (Now retired and expired) under suspension w.e.f. 17.10.2005 in the Anti Corruption Bureau trap case.

3. In the reference 5th read above, Government have informed the District Collector (Pt. wing), Srikakulam that, the suspension case is reviewed and decided to reinstate the individual into service without prejudice to the prosecution case pending against him. Accordingly, in the reference 6th read above, he was re-instated into service w.e.f.12-03-2008 by the District Collector (Pt. wing), Srikakulam.

4. In the reference 7th read above, the Spl. Judge for trial of ACB cases, Visakhapatnam has propounded his judgment dt.19.03.2012 in CC No.26/2007 as follows:

> "…Under these circumstances, A2 is entitled for benefit of doubt particularly when A1 the main accused is dead. Accordingly A2 is acquitted for the above charges. …"

5. In the reference 9th read above, the Government have accorded permission to the Director General, ACB to file an appeal in the Hon'ble High Court against the orders dt.19.03.2012 in CC No.26/2007. Accordingly, the Director General, ACB has filed an appeal in the Hon'ble High Court vide CRLA No. 707/2012. In the reference 10th read above, the Director General, ACB has informed that, as the individual was expired on 26.05.2021, the Hon'ble High Court have disposed the criminal appeal on 28.03.2022 as abated.

6. Accordingly, in the reference 11th read above, Government have issued orders abating further action against the deceased officer, Sri Karakavalasa Venkat Rao, Assistant Panchayat Secretary, Kotcherla Village, Ranasthalam Mandal, Srikakulam District (Retired), who was expired on 26.05.2021 before conclusion of disciplinary proceedings, as per rule 9(7) of A.P. Revised Pension Rules, 1980.

7. In the reference 12th read above, Smt. Karakavalasa Hymavathi, W/o. Late Karakavalasa Venkatarao, Srikakulam District has requested to issue orders duly regulating the suspension period of her late husband Sri Karakavalasa Venkata Rao, Assistant Panchayat Secretary, Kotcherla Village

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of Ranasthalam Mandal, Kotturu Mandal, Srikakulam District from 17.10.2005 to 11.03.2008.

8. After examination of the matter as per sub rules (2)(i) and (3) of FR 54- A amended in the references 15th to 17th read above, and judgment of the Supreme Court of India in Krishna Kanth Raghunath vs State of Maharashtra (1997(3) SCALE 180) that, acquittal in a criminal case followed by reinstatement will not entitled for grant of consequential benefits to a suspended employee as a matter of course. Hence, the Government have decided to regularise the suspension period of the individual, as spent on not duty in terms of sub rules (2)(i) and (3) of FR-54-A.

9. Accordingly, Government hereby order that, the period of suspension of Sri Karakavalasa Venkat Rao, Assistant Panchayat Secretary, Kotcherla Village, Ranasthalam Mandal, Srikakulam District (Retired and expired), from 17.10.2005 to 11.03.2008 treated as Not on Duty in terms of sub rules (2)(i) and (3) of FR 54-A as he is acquitted under benefit of doubt.

10. The Commissioner, Panchayat Raj and Rural Development, Tadepalli, Guntur District shall take necessary further action in the matter accordingly and submit compliance report to Government.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SHASHI BHUSHAN KUMAR
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Legal Heirs of Sri Karakavalasa Venkat Rao, Assistant Panchayat Secretary, Kotcherla Village, Ranasthalam Mandal, Srikakulam District (Now Retired & Expired) through the Commissioner, Panchayat Raj & Rural Development A.P., Tadepalli, Guntur District.
The Commissioner, Panchayat Raj & Rural Development A .P., Tadepalli, Guntur District.
The Accountant General (A&E) A.P. Vijayawada.
The Pay & Accounts Officer, A.P., Mangalagiri.
The Director of Treasuries and Accounts, A.P., Mangalagiri.
Copy to:
The Director General, ACB, A.P., Vijayawada.
The Secretary, APVC, A.P. Secretariat, Velagapudi.
The OSD to Dy.CM(PR&RD).
The PS to Prl.Secy to Government, PR&RD.
Sf/Sc.

//FORWARDED :: BY ORDER//

SECTION OFFICER